

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

HEIDI SEEKAMP, *On Behalf of Herself and  
All Others Similarly Situated,*

Plaintiff,

vs.

IT'S HUGE, INC.,  
FUCCILLO LINCOLN MERCURY, INC. d/b/a  
FUCILLO HYUNDAI,  
FUCCILLO CHRYSLER JEEP DODGE OF  
AMSTERDAM, INC.,  
FUCCILLO FORD, INC.,  
FUCCILLO DODGE CHRYSLER JEEP, INC.,  
FUCCILLO IMPORTS, INC.,  
FUCCILLO AUTO WORLD, INC.,  
FUCCILLO BUICK PONTIAC GMC, INC.,  
FUCCILLO CHEVROLET OF NELLISTON, INC.,  
FUCCILLO HYUNDAI OF SYRACUSE, INC.,  
FUCCILLO HYUNDAI OF GREECE, INC.,  
FUCCILLO FORD OF SENECA FALLS, INC.,  
FUCCILLO CHEVROLET OLDS PONTIAC BUICK, INC.,  
FUCCILLO CHEVROLET, INC.,  
FUCCILLO CHRYSLER OF NELLISTON, INC.,  
FUCCILLO ENTERPRISES OF EAST GREENBUSH, INC.,  
FUCCILLO ENTERPRISES, INC.,  
FUCCILLO FORD OF EAST GREENBUSH, INC.,  
FUCCILLO FORD OF NELLISTON, INC.,  
FUCCILLO PONTIAC BUICK, INC.,  
and  
UNIVERSAL AUTOMOTIVE SERVICES, INC.,

Defendants.

Defendants.

Civil Action No.:  
09-cv-00018-LEK-DRH

**DECLARATION OF SERGEI LEMBERG  
IN SUPPORT OF MOTION FOR CLASS CERTIFICATION**

I, **SERGEI LEMBERG** declare as true the following:

1. I am the founder, principal, sole member and manager of Lemberg & Associates, L.L.C., of Stamford, Connecticut, and have been retained, along with the Law Offices of Martin Mushkin, Esq., by the Plaintiff Heidi Seekamp to represent her interests against the Defendants and have been instructed by Ms. Seekamp to seek class certification from the Court.

2. I have personal knowledge as to all matters set forth in this Declaration.

3. I graduated from the University of Pennsylvania Law School in 2001. I am an attorney licensed to practice law before all of the State courts and Federal District Courts within New York, Connecticut and Massachusetts. I became a member of the New York and Massachusetts State bars in 2002. I became a member of the Connecticut State Bar in 2005, and have been admitted to appear before the First, Third and Ninth Circuit Court of Appeals. My co-counsel, Martin Mushkin, graduated from Harvard Law School in 1956 and has been practicing law for over fifty-five years.

4. My practice focuses on consumer protection litigation in both state and federal courts. I have practiced as a consumer law attorney since 2006.

5. My firm has prosecuted over four thousand consumer rights actions throughout the country and prosecutes consumer class action.

6. My firm resume and the resume of my co-counsel Martin Mushkin, Esq. are attached hereto as Exhibit 1.

7. My firm is committed to the prosecution of this case on behalf of the proposed class and the proposed class representative and will continue to use our experience and resources to that end.

8. Ms. Seekamp has been counseled on her duties and obligations if this action were to be certified by the Court.

9. Ms. Seekamp has been an active participant in the prosecution of her case.

10. She has fully cooperated with all phases of discovery, responding to discovery demands and making herself available for deposition.

11. Attached to this affidavit are additional documents submitted in support of Plaintiff's Motion for Class Certification.

12. Attached as Exhibit 2 are correspondence between Tim Verhaegen at the Insurance Department for the State of New York and William A. Hurst, counsel for the Defendants in this action. The documents were produced by the Defendant and are marked according to the Defendants' numbering convention as 1115 to 1122.

13. Attached as Exhibit 3 are documents produced by AnswerNet, Inc. which were sent to my office in response to a Rule 45 subpoena.

14. Attached as Exhibit 4 are documents produced by USA Mobility which were sent to my office in response to a Rule 45 subpoena.

15. Attached as Exhibit 5 are portions of It's Huge, Inc. and Fuccillo Lincoln Mercury Hyundai, Inc.'s Responses to Plaintiff's First Set of Interrogatories.

16. Attached as Exhibit 6 are excerpts from the deposition of Nick Souris.

17. Attached as Exhibit 7 are nineteen entity information abstracts taken from the New York Secretary of State's website referencing William B. Fuccillo as Chairman or CEO of each Fuccillo entity.

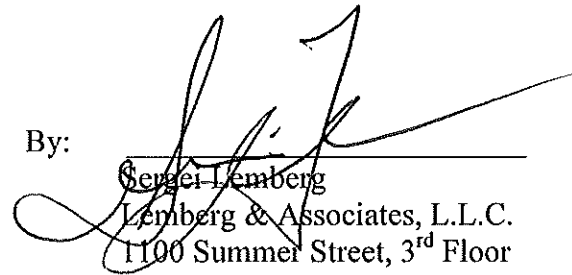
18. Attached as Exhibit 8 is the Expert report of David A. Stivers.

19. Attached as Exhibit 9 is Plaintiff's Amended Complaint filed January 7, 2011.

20. Attached as Exhibit 10 is the Defendant's Answer to the Amended Complaint.

Dated: February 3, 2011

By:



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